

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**JUAN RIVERA,**

**Plaintiff,**

**v.**

**SERGEANT P. RODRIGUEZ,**

**Defendant.**

**Case No. 1:21-cv-01147-HBK**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

**(Doc. No. 7)**

Plaintiff Juan Rivera, a prisoner, initiated this action proceeding *pro se* by filing a civil rights complaint against Sergeant P. Rodriguez on July 29, 2021. (Doc. No. 1.) The matter was referred to the assigned United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

On September 7, 2021, the magistrate judge issued an order to show cause why this case should not be dismissed for Plaintiff's failure to pay the filing fee or file an application to proceed in forma pauperis as directed by the court in its July 30, 2021 Order. (Doc. No. 5). After Plaintiff failed to respond to the order to show cause, on October 4, 2021, the magistrate judge issued a findings and recommendations recommending the dismissal of the case without prejudice due to Plaintiff's failure to prosecute this action and comply with a court order. (Doc. No. 7.)

1 The findings and recommendations served on Plaintiff contained notice that Objections to the  
2 findings and recommendations were due within fourteen days. (Id. at 1, 4.) Plaintiff has not filed  
3 an Objection and the time to do so has expired. (See docket.)

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a  
5 de novo review of this case. Having carefully reviewed the entire file, the Court finds the  
6 Findings and Recommendations to be supported by the record and by proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations issued on October 4, 2021 are adopted in full  
9 and this case is dismissed.
- 10 2. The Clerk of Court shall terminate any pending motions and close this case.

11 IT IS SO ORDERED.

12 Dated: December 30, 2021

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14 SENIOR DISTRICT JUDGE  
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